



DEP FACT SHEET

In Lieu Fee Compensation Program

Revised: June, 2008

contact: See back page for nearest
DEP address & phone number

Mitigating adverse environmental impacts is an integral part of Maine's Natural Resources Protection Act (NRPA) (38 M.R.S.A. § 480 A – BB), a regulatory program administered by the Maine Department of Environmental Protection (DEP). In general, mitigation is a sequential process of avoiding adverse impacts, minimizing impacts that cannot be practicably avoided, and then compensating for those impacts that cannot be further minimized. Both State and federal agencies administering resource protection regulations may require appropriate and practicable compensatory mitigation as a condition of their permit approvals and authorizations.

Compensation is required to off-set an adversely affected resource function with a function of equal or greater value. **The DEP encourages applicants to mitigate for lost resource functions**

Table 1 Resource Compensation Rates 7/1/07 thru 6/30/09
(revised 5/6/08)

County	Wetland Creation/sq. ft.	Assessed Land Value/ sq. ft.*	Assessed Coastal Land Value/sq. ft.*
Androscoggin	\$3.28	\$0.11	N/A
Aroostook	\$2.74	\$0.01	N/A
Cumberland	\$3.28	\$0.53	\$1.47
Franklin	\$2.74	\$0.03	N/A
Hancock	\$2.74	\$0.13	\$0.22
Kennebec	\$3.28	\$0.09	\$0.13
Knox	\$3.28	\$0.26	\$0.36
Lincoln	\$3.28	\$0.23	\$0.43
Oxford	\$3.28	\$0.04	N/A
Penobscot	\$2.74	\$0.04	\$0.24
Piscataquis	\$2.74	\$0.02	N/A
Sagadahoc	\$3.28	\$0.20	\$0.27
Somerset	\$3.28	\$0.03	N/A
Waldo	\$3.28	\$0.06	\$0.16
Washington	\$2.74	\$0.02	\$0.04
York	\$3.28	\$0.37	\$1.04

* Figures based on 2005 MRS statistical summary

and values on the project site to the maximum extent practicable.

If ecologically appropriate on-site mitigation is not available, practicable or otherwise wholly or in part acceptable to off-set lost resource function and value, an applicant may look off-site to find appropriate compensation or may request to pay a fee in lieu of (ILF) a compensation project as outlined in the Natural Resources Protection Act 38 M.R.S.A. § 480 (Z).

The ILF compensation program was established to provide applicants with a flexible compensation option over and above traditional permittee-

responsible compensation projects. The applicant may choose which method of compensation is preferred for a given project.

The methods for resource mitigation are outlined further in the DEP Fact Sheet: *Natural Resource Compensation: Methods for Restoring Lost Function and Value.*

The ILF resource compensation rates for the period July 1, 2007 thru June 30, 2009 as revised on May 6, 2008 shall be as outlined, in Table 1. All resource compensation fees shall be calculated using the resource dependant formulas outlined below based on the rates provided in Table 1 and a

resource multiplier. The resource multiplier is an adjustment factor that reflects the significance of specific resources. The resource multiplier shall be 1 except as follows:

1. A resource multiplier of 2 shall be used for:
 - a. Wetlands areas containing at least 20,000 square feet of aquatic vegetation, emergent marsh vegetation or open water, except for artificial ponds or impoundments;
 - b. Peatlands dominated by shrubs, sedges and sphagnum moss;
 - c. Coastal wetlands;
 - d. Inland wading bird & waterfowl habitat (IWWH); and
 - e. Tidal wading bird and waterfowl habitat (TWWH); and
2. A resource multiplier of 4 shall be used for vernal pools and shorebird habitat

Note: Projects that choose to use the ILF natural resource mitigation program will be required to pay the compensation fee in full prior to the issuance of the DEP permit.

Wetland Compensation Formula:

Wetland compensation fee = (direct wetland degradation/s.f. x (wetland creation cost/s.f. + assessed land valuation/s.f.)) x (resource multiplier)

Vernal Pool Compensation Formula:

Vernal pool compensation fee = (direct wetland degradation/s.f. x (wetland creation cost/s.f. + assessed land valuation/s.f.)) + (upland vernal pool habitat degradation/s.f. x land valuation/s.f.) x (resource multiplier)

[Note: Any proposed project that must directly impact a portion of a vernal pool aquatic habitat must compensate for the entire significant vernal pool habitat area.]

Inland Wading Bird and Waterfowl (IWWH) Compensation Formula:

IWWH compensation fee = (direct wetland degradation/s.f. x (wetland creation cost/s.f. + assessed land valuation/s.f.)) + (upland IWWH habitat degradation/s.f. x land valuation/s.f.) x (resource multiplier)

Tidal Wading Bird and Waterfowl (TWWH) Compensation Formula:

TWWH compensation fee = (TWWH zone of influence/s.f. x land valuation/s.f.) x (resource multiplier)

[*Note: The “zone of influence” includes all mapped TWWH habitat area within 300’ of the proposed new pier, ramp and float. TWWH function and value is lost or highly degraded within the “zone of influence”.]

Shorebird Habitat Compensation Formula:

Shorebird habitat compensation fee = (upland buffer degradation or zone of influence impact/s.f. x land valuation/s.f.) x (resource multiplier)

[*Note: The “zone of influence” includes all mapped shorebird habitat area within 300’ of the proposed new pier, ramp and float. Shorebird habitat function and value is lost or highly degraded within the “zone of influence”.]

All compensation fee amounts could be directly reduced by decreasing the amount of habitat degradation associated with each project example.

For further information please contact your nearest DEP regional office, and ask to speak to the "on-call" person in the Land & Water Bureau, Division of Land Resource Regulation.

Central Maine Regional Office, 17 State House Station, Augusta, ME 04333-0017; Phone: 207-287-3901 (Bureau) or toll-free 1-800-452-1942 (Department).

Eastern Maine Regional Office, 106 Hogan Road, Bangor, ME 0440; Phone: 207-941-4570
or toll-free 1-888-769-1137.

Northern Maine Regional Office; 1235 Central Drive, Skyway Park; Presque Isle, ME 04769;
Phone: 207-764-0477 or toll-free 1-888-769-1053.

Southern Maine Regional Office, 312 Canco Road, Portland, ME 04103; Phone: 207-822-6300
or toll-free 1-888-769-1036.